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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ERIK KNUTSON and KEVIN
11 LEMIEUX, individually and on behalf
12 of all others similarly situated,

13 Plaintiffs,

14 v.

15 SCHWAN'S HOME SERVICE, INC.
16 and CUSTOMER ELATION, INC.,

17 Defendants.

CASE NO. 3:12-cv-0964-GPC-DHB

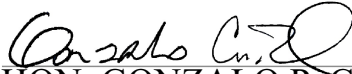
**ORDER REQUIRING
SUPPLEMENTAL BRIEFING**

18 On December 12, 2014, a final approval hearing was held on Plaintiff's Motion
19 for Attorneys' Fees, (ECF No. 140), and Plaintiff's Motion for Final Approval of Class
20 Action Settlement, (ECF No. 144). (ECF No. 146.) At the hearing, Plaintiff's counsel
21 offered to provide supplemental briefing on whether the Court could reduce the award
22 of attorneys' fees and then have the reduction distributed to the class members who
23 have filed valid claims or distributed cy pres. (*See id.*) While the Court is skeptical that
24 it has the authority to take such action, the Court believes supplemental briefing on the
25 issue would be of assistance. Accordingly, **IT IS HEREBY ORDERED** that the
26 parties are to submit supplemental briefing, either separately or jointly, on this issue.
27 If it is not within the Court's power to take such action, the parties' brief or briefs
28 should also address whether Defendants would agree to such action and, if so, how
such agreement would be put forth, whether by separate joint motion or by a redrafting

1 of the Settlement Agreement. The supplemental briefing shall be filed on or before
2 **January 9, 2015.**

3 **IT IS SO ORDERED.**

4 DATED: December 16, 2014

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7 HON. GONZALO P. CURIEL
8 United States District Judge
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